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2184623

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May 16, 1988

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Mr. Lawrence Falkin
U.S. Environmental Protection Agency
Region III
CERCLA Removal Enforcement Section (3HW14)
841 Chestnut Building, 6th Floor
Philadelphia, Pennsylvania 19107

Dear Mr. Falkin:

We are writing on behalf of Capital Lubricants Company, Inc. ("Capital Lubricants") in response to your letter seeking information under section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and section 3007 of the Resource Conservation and Recovery Act ("RCRA"), regarding Capital Lubricants' involvement with the Metro Container Corporation ("Metro") site, Trainer, Pennsylvania. This letter follows our earlier letter dated April 22, 1988, requesting an extension of time until May 27, 1988 to respond, and your subsequent telephone call confirming an extension only until May 15, 1988. Accordingly, this response is timely.

Capital Lubricants has conducted an extensive search of its business records. These records indicate that in the period from July 1986 through November 1986, Capital Lubricants purchased from Metro several quantities of 55 gallon drums. Capital Lubricants used these drums exclusively for the purpose of dispensing to its customers petroleum products which are exempt from the definition of "hazardous substance" under CERCLA section 101(14). Capital Lubricants did not arrange for the disposal of any hazardous substances with Metro; nor did it send or transport any hazardous substances to the site. On several occasions, Capital Lubricants returned drums that had been emptied and drip-dried by Capital Lubricants' customers to Metro. Capital Lubricants strictly enforces its company policy that it shall not retrieve used drums of its products unless those drums have been emptied and drip-dried. All drums returned to Metro were retrieved from its customers pursuant to and in accordance with this company policy.

The following answers are provided to the specific questions contained in the information request.

Request 1. The types and quantities of hazardous substances generated or transported by Capital Lubricants and sent to, transported to or disposed of at the site.

Response: No hazardous substances were generated or transported by Capital Lubricants and sent to, transported to or disposed of at the site. All drums returned to the site were empty. All drums which were used by Capital Lubricants contained only petroleum products, which are exempt from the definition of "hazardous substance" in CERCLA section 101(14).

Request 2. Quantities and residual contents of unwashed 55-gallon drums or containers which Capital Lubricants generated or transported and which were sent to, transported to, or disposed of at the site whether or not they contained hazardous substances.

Response: Capital Lubricants returned several 55-gallon drums to Metro Container for reconditioning. All drums shipped to Metro for reconditioning were empty when shipped, and had been drip-dried. Any residual contents contained in the drums shipped to Metro consisted of residual petroleum products, which are exempt from the definition of "hazardous substances" under CERCLA.

The shipments of drums to Metro Container for reconditioning are indicated in the enclosed documents. In most circumstances, the return of drums to Metro is reflected in Metro invoices indicating the purchase price of newly reconditioned drums purchased from Metro by Capital Lubricants. In some instances, the return of drums is also indicated on inventory forms or receipts issued by Metro. Invoices from Metro indicating the sale of drums to Capital Lubricants at a purchase price of \$7.55 or \$6.75 reflect the return to Metro of the same number of drums as purchased, except where the invoice, inventory form, or receipt contains a separate notation indicating a different number of returns. Where an invoice indicates drums sold to Capital Lubricants at a purchase price of \$11.75 or greater, those drums were sold to Capital Lubricants without corresponding returns of empty drums to Metro. In some circumstances, invoices, inventory forms or receipts indicate the return of drums rejected by Capital Lubricants. These reflect washed, reconditioned drums which were ordered from Metro by Capital Lubricants, but rejected as substandard, and returned unused to Metro. These drums should not be included in the total quantity of empty unwashed drums returned to Metro, and the number of rejects should be subtracted from the total quantity of drums purchased from Metro, and hence from any calculation of the total quantity of "unwashed" drums returned by Capital Lubricants to Metro.

Request 3. The dates such substances and/or containers were sent to, transported to, or disposed of at the site.

Response: Capital Lubricants sent drums to Metro during the period from July, 1986, through November 1986. The enclosed documents indicate the dates of each shipment.

Request 4. Any correspondence between Capital Lubricants and any regulatory agencies regarding such substances and/or containers.

Response: Capital Lubricants did not engage in any correspondence with any regulatory agencies regarding the above-described containers.

Request 5. Any correspondence between Capital Lubricants and Metro Container Corporation, Metro Enterprise Container Corporation, or Universal Container Corporation or any other third-party regarding such substances and/or containers.

Response: All correspondence between Capital Lubricants and Metro regarding the above-described containers is attached. An explanation of the documents and their relevance to the determination of total number of empty drums shipped by Capital Lubricants to Metro is provided in the response to Request 2.

Request 6. The identity of, and documents related to, any other persons who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, disposal, or transportation of such substances and/or containers to the site.

Response: Capital Lubricants has no knowledge of or records relating to any such person.

Request 7. Copies of any deeds, rights-of-way, leases, or other real interests which Capital Lubricants has or had in the site.

Response: Capital Lubricants has had no such real interests in the site.

Request 8. Whether the substances or containers described above were sent to or transported to the site for disposal, or reconditioning and return or reconditioning and resale by Metro Container Corporation or Metro Enterprise Container Corporation or Universal Container Corporation.

Response: The above-described containers were sent to the site for reconditioning and resale by Metro Container Corporation.

EPA's information request also asks Capital Lubricants to describe any documents maintained by Capital Lubricants of the transactions with Metro. Such documents consist of copies of checks issued by Capital Lubricants to Metro in payment for the purchase of drums, copies of invoices from Metro to Capital Lubricants for the purchase price of drums, copies of Metro customer orders indicating orders made by Capital Lubricants for the purchase of such drums, copies of purchase orders transmitted by Capital Lubricants to Metro indicating Capital Lubricants' orders to purchase said drums, and copies of receipts from Metro indicating the return of drums. These documents were created in the period from June 22, 1986 to December 19, 1986. They are currently located in Capital Lubricants' files, maintained at 569 Industrial Drive,

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Lewisberry, Pennsylvania 17339-9533, under the custodianship of Mr. Cal Stevens. These documents were identified after an exhaustive search of Capital Lubricants' records.

Finally, the request for information inquires regarding any insurance Capital Lubricants may have against releases of hazardous wastes or substances as a result of the handling of such materials. Although Capital Lubricants has never handled or been involved with the handling of hazardous wastes, Capital Lubricants is currently investigating whether it holds any insurance which would cover off-site releases of such substances.

CONCLUSION

As the responses above indicate, Capital Lubricants has identified drums shipped by it to Metro which may have been "unwashed." In any event, however, any residual materials contained in drums shipped to the site consisted only of petroleum products exempt from the definition of "hazardous substance" under CERCLA. Virtually all of Capital Lubricants' business records, including purchase orders, invoices, shipping documents and payment ledgers were reviewed in the course of this investigation. Accordingly, it is unlikely that additional records will be found. Nevertheless, Capital Lubricants will continue its attempts to fully characterize its relationship, if any, to the Metro Container site. Any information adduced in the future will be provided to you. In the meantime, we would appreciate your providing any specific information you may have regarding Capital Lubricants' involvement at the Metro site, including your preliminary evaluations of whether and to what extent responsibility will be allocated to Capital Lubricants. We would also appreciate information regarding the Metro site itself, including the nature and extent of releases or threatened releases of hazardous substances, the identification of other potentially responsible persons ("PRPs") and the extent of their involvement with the Metro site, and the status of any federal or state removal or remedial actions. This request is made pursuant to section 122 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA").

If you have any questions or comments, please do not hesitate to call.

Sincerely,



John L. Wittenborn

cc: Mr. Cal Stevens